



# City of Carmel

## **Carmel Advisory Board of Zoning Appeals SPECIAL MEETING Thursday, March 31, 2005**

The Special Meeting of the Carmel Board of Zoning Appeals met at 6:00 PM on Thursday, March 31, 2005, in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members in attendance were Kent Broach, Leo Dierckman and James Hawkins, thereby establishing a quorum. Jon Dobosiewicz, Angie Conn and Mike Hollibaugh represented the Department of Community Services. John Molitor, Legal Counsel, was also present.

Mr. Dierckman moved to approve the minutes of the February 28, 2005 meeting as submitted. The motion was seconded by Mr. Broach and **APPROVED 3-0.**

Mrs. Conn gave the Department Report. She reported that in a memo to the Board it was brought to the Board's attention that they would need to suspend the rules in order to hear Items 1h and 2h. Also, Items 8-10h had been tabled due to the fact that there would not be a quorum for that item. The Department requested that the Board reorder the agenda so that Items 2-3i could be heard first, second would be Items 3-7h due to the fact that there is a meeting immediately after this BZA meeting.

Mr. Dierckman moved to suspend the rules. The motion was seconded by Mr. Broach and **APPROVED 3-0.**

Mr. Dierckman moved to reorder the agenda. The motion was seconded by Mr. Broach and **APPROVED 3-0.**

Mr. Molitor gave the Legal Report. He stated there was litigation still pending between the Board and Martin Marietta. He stated that Mr. Weiss was here and wanted to speak to the tabling of their petition. The Board's attorneys are in contact with Mr. Weiss and other representatives of Martin Marietta with respect to the issue of relocation of the processing plant, which is one of the items of the pending litigation. The parties may be able to come to some agreement. There is a probability that the Board's attorneys and Martin Marietta's attorneys can agree to have that item remanded to the Board for further consideration.

Zeff Weiss, attorney with Ice Miller, 3400 One American Square, Indianapolis, spoke as the attorney representing Martin Marietta. They asked to table their item to the May 23, 2005 meeting in order to continue their fruitful discussions with the Kingswood Homeowners Association and certain other adjoining property owners regarding blasting activities, proposed blasting activities and relocation of the existing sand and gravel plant. It is their understanding that the Board has authorized, under certain circumstances, for that matter which is in litigation to be remanded back to the Board assuming they have an agreement with Kingswood to allow that plant to be relocated.

Mr. Molitor stated that Staff can schedule the petition for the May 23, 2005 meeting if the Board had no objections.

Mr. Dierckman noted that Kingswood Homeowners Association was not in attendance, but he wanted them to be aware that the item could not be tabled indefinitely. There needed to be good progress by the May meeting because another tabling of the item would be difficult.

Mr. Molitor stated that he would give an interim report next month as to how things were going with the litigation and discussion related to the scheduling.

Mr. Hawkins reminded everyone of the format for the Public Hearing items. The Petitioner's presentation can last up to 15 minutes. General public comments that are favorable are allowed 5 minutes. Organized remonstrance that is unfavorable is allowed 15 minutes and general public comments that are unfavorable are allowed 5 minutes. The Petitioner will then have 5 minutes for rebuttal. Then the Board will hear Staff comments.

Mr. Molitor stated that since the first item is Old Business, the Board has the authority to request that any additional comments be limited to new information that was raised at this meeting and any remonstrance be directed toward the new issues. The Chair can exclude redundant and repetitive remarks from the public, but he felt it was important to allow the public to weigh in on additional material submitted tonight.

Mr. Hawkins encouraged people to come to the podium one at a time, stating their name and address, but to address any questions to the Board, not to the Petitioner. He asked that items not be repeated since this petition had already been heard.

#### **H. Public Hearing.**

##### **2-3i. Carmel/Clay Schools, Soccer Fields at River Rd**

The applicant seeks special use approval to construct sports fields and parking:

<b>Docket No. 05010046 SU</b>	Chapter 5.02	Special Use in S-1 Zone
<b>Docket No. 05020006 V</b>	Chapter 27.03.0	parking lot curbing

The site is located at the northwest corner of River Rd and 126<sup>th</sup> Street. The site is zoned S-1/Residence-Low Density and is within the Special Flood Hazard Zone.

Filed by George Zboyovsky of Paul I Cripe for Carmel/Clay Schools.

Present for the Petitioner: George Zboyovsky, Senior Project Manager with Paul I. Cripe. At the last meeting there were questions raised primarily about location and operations. Representatives of the Carmel/Clay School Corporation and the Carmel Dad's Club were present to answer those questions.

Roger McMichael, Assistant Superintendent for Business Affairs for Carmel/Clay Schools. 5201 E. 131<sup>st</sup> Street. He stated that since the last meeting, Carmel Schools and Dad's Club held a neighborhood meeting to further discuss the project and he felt they had made significant progress. The concern he felt focused primarily on use by the Dad's Club more than the School Corporation because of parking and traffic to the area. Changes had been made to the parking lot on River Road. The Dad's Club had agreed to reduce the two parking lots of 92 and 108 spaces to just the 108-space lot. It was anticipated that would be enough for the programming. The programming by the Dad's Club on the River Road portion had been reduced. The School Corporation and the Dad's Club had worked with the neighbors

to create a Commitment letter that outlined the intended use of the property and identified the schedule of use of the property with regard to hours and days.

Brad Little, Executive Director of the Carmel Dad's Club, 5459 E. 131<sup>st</sup> Street, Carmel. Last month they had received a serious wake-up call with regard to the use of the property. They have had meetings at Prairie Trace Elementary with the homeowners to work out agreements. The Board was given a copy of the agreement/commitments. He stated there is a need for the Dad's Club to use the Schools' facilities to accommodate the needs of their programs. Use of the facilities by the Dad's Club helps to offset expenses that the Schools would incur. The escalating cost of ground in Carmel is beyond the Dad's Club reach. Therefore, a partnership with the Schools and other organizations allows them to meet the growth. The River Road fields are replacement fields for the fields on Shelborne Road that were lost with the construction of Creekside Middle School and the new elementary school. In the commitments, Section 2 is the section to the north and Section 1 is the section to the south. The six fields would be activated on 30-minute increments. Fields 1-3 would start on the hour and fields 4-6 would start on the half-hour. That will stagger the start time and ease the traffic flow in and out of the facility. Secondly they have agreed to put traffic control officers at the entrance on 126<sup>th</sup> Street and instruct them to allow traffic out of the facility to the west up 126<sup>th</sup> Street, which will take the traffic to the roundabout on Hazel Dell Parkway. That prevents the traffic and concerns on Medalist Parkway through Plum Creek Village. They have agreed to not use the facility on Fridays. They will gate and lock the facility to maintain security and safety like their other facilities. The Dad's Club would use the facility in the spring, Section 1 and the High School program would use the facility in the fall. Therefore these commitments are for the spring. They would have limited use on Sundays, primarily for tournaments or occasional make-up games. A critical concern has been the northern section. They will eliminate the northern parking lot, so that Chapman's Claim will not be looking out at a parking lot. In the fall season when the High School is using Section 1, they will limit Section 2 to practice only for younger age groups Monday through Thursday, 5:00-7:15 PM. The diagram shows one large field. They will either accommodate one large or eight small-sided fields for practice. In the commitments is a provision that they will meet with the representatives of the homeowners associations approximately two weeks after the season to see how everything went, so they would be able to make adjustments. The restroom and storage facilities will be single-story and approximately 1000 square feet with brick and wood exterior. The Dad's Club will be the manager of the facility.

Steve Brown, attorney, 5255 Longstone Roundabout, Carmel, member of the Carmel Dad's Club Board. He had experience as the Carmel City Legal Counsel. Normally the school building would be first and accessory to that Special Use would be these athletic fields. He showed a map of the area. These fields would go with a school that may be built there in the future. He felt they had satisfied most of the neighbors' concerns. Section 21.01 in the Ordinance states that "Special Uses shall generally be considered favorably by the Board except in cases where the Board finds that proposed Special Use obviously inappropriate as a result of special unique conditions." Therefore, there is a presumption in favor of Special Uses. Along the White River corridor are Prairie View Golf Course, Plum Creek Golf Course, parks, homes, River Glen Golf Course, so this is a consistent use for the corridor. Events at these facilities bring traffic to the area, not just the Dad's Club. Their written commitments address many of the issues. They have worked hand-in-hand with the Schools for activities to benefit the children.

Jennifer Tenbarger, 11260 Williams Court, Carmel, President-elect of the Carmel Dad's Club. She is a past President of Woodbrook Elementary PTO and the current President of the Clay Middle School PTO showing that she is involved in the community and knows there have to be compromises along

the way. The northern field is necessary even though it will only be used for practice. Practice fields are diminishing around town. There are expansions at Clay Middle School and Carmel Lutheran church as well as all the elementary schools, taking away appropriate practice areas. This will provide the safe and needed space for children to develop their skills through practice and skirmishes.

**Public in Favor:**

David Stamps, 12560 Medalist Parkway, Carmel, Plum Creek Village. Their concerns were not about the basic use, but the extent of the use of the facility and traffic on Medalist Parkway. They were also concerned with congestion, safety, noise and general pollution. They met with the Petitioner on March 17 at Prairie Trace Elementary. They were given verbal commitments at that time and have since received written ones to show what was agreed upon. He thanked everyone for working with them. They had posted drafts of the proposals on the Plum Creek Village website and tried to make people aware. They want the commitments recorded in Noblesville. On behalf of the ad hoc committee, the Plum Creek Village Homeowners Association believes their concerns have been addressed and they no longer oppose the project.

Omer Stocker, 5942 McKinges Circle, Carmel. He has been involved on behalf of some of the neighbors in the Prairie View Homeowners Association. He had met with various people and he felt they did a good job of answering his questions. Their major concern had been about the development along the west side of River Road. Late today he had received the Commitments by the Carmel Dad's Club to reduce the number of parking spaces reducing the use of the fields on the north side.

David Cutshaw, 1209 Helford Lane, Carmel, President of Carmel United Soccer Travel Club. (Members of the club also stood at the podium area.) Their use of the fields is coordinated through Carmel Dad's Club. Many of the players come up through the ranks to the Carmel High School State Championship teams and on to college with scholarships.

Haley Anderson (youth) stated that they love soccer and hoped the fields would be built so that they would have more room to practice and play.

Mr. Cutshaw asked everyone in attendance from Carmel Dad's Club and Carmel United Soccer who were in support of the petition to stand.

David Burkert, 5777 Gyrfalcon Place, Carmel. He moved back to the Carmel area 5 years ago because of the schools and the opportunities his three daughters would have to participate in athletic opportunities. This is about a few hours out of a few weeks that the fields would be used. He had been asked if he lived across from these fields would he be for it and his answer was unequivocally "Yes, he would." He lives across the street from the Badger fields. Every Saturday it is a little loud and there is a little bit of traffic, but it is an opportunity for kids to play.

**Remonstrance: Organized**

Tom Gjerde, 5406 Zoeller Circle, Carmel, Plum Creek Ridge Homeowners Association. They are opposed to the hammerhead at the end of Lochmere Drive. He also has two daughters and can sympathize with the Dad's Club. The issue is intensity of use. The Dad's Club does offer a cost benefit to the community, but this is about a specific use by the Dad's Club. He talked about Shelborne fields and Badger field being developed before the subdivisions were put in. The area between 126<sup>th</sup> and 131<sup>st</sup> Street and Hazel Dell Parkway is very heavily populated. It was pointed out that this use is consistent with the golf courses in the area. High School fields would be a fine use for the area, but

there is already traffic that goes along with golf outings and the fields at Hazel Dell Park. This would be adding to that traffic. They were concerned about traffic and property values. He had a chart showing the number of cars coming and going for the six fields. He indicated there could be 420 potential cars in the area at the same time and up to 560 cars an hour circulating around the proposed area. With a continuous traffic flow, the roundabouts on Hazel Dell Parkway will back up. The previous gentleman chose to move beside Badger Field, but he selected Plum Creek Ridge because there was not a lot of congestion. Plum Creek Ridge is landlocked by 126<sup>th</sup> and 131<sup>st</sup> Streets and it will make it difficult to get in and out. He felt that would affect property values because no one would want to move into the area. The primary issue is the intensity of use and the option would be for the Schools to go ahead with use, but not the Dad's Club.

Remonstrance: General public

Bill Foley, 5946 McKinges Circle, Carmel, Chapman's Claim. This is not about pro or anti sports. Families with children would be willing to buy property near a soccer field. But Chapman's Claim is mostly an empty nester neighborhood adjoining a golf course. The park gets a little rowdy with the rugby, but it is a fairly quiet, tranquil neighborhood. A school would be an appropriate use for the property. Parking lots and restrooms are not good selling points for a home. Everyone is familiar with the traffic at Badger field. He did not move into his neighborhood with the intention to move into that type of neighborhood. He knew this decision could be changed later, so if there are not enough parking spaces now they could be added. But once it is a high-intensity sports field that's what it would stay.

Carolyn Stocker, 5942 McKinges Circle, Carmel, Chapman's Claim. Her husband presented earlier in favor of the petition, but she is against the 131<sup>st</sup> Street area traffic. She did not feel all the homeowners knew about this project, such as Moffitt Farms, part of Chapman's Claim and Brooks Landing. After the March 17<sup>th</sup> meeting at Prairie Trace, she walked about half the neighborhood and got signatures of residents opposed to the usage and the Board should have a copy of that list.

Charles Shoop, 13045 Abraham Run, Carmel, Chapman's Claim. He has been a Carmel resident for about 38 years and he was concerned about the area east of Vestal ditch on River Road. Soccer is not an issue, but Chapman's Claim was there first believing the zoning would be low density single family housing. He was concerned about the noise, traffic and housing values and no one in Chapman's Claim would be using those soccer fields.

Rebuttal:

Mr. McMichael stated that Carmel Schools appreciated the concerns of the neighbors and recognizes the project would bring more traffic to the neighborhood. He believed they had shown a good faith effort to try to minimize that as much as possible. He knows it would be less controversial if the School Board had elected to use it just for School use. However, he thought the Board of Trustees felt that the community had invested several million dollars in the property and it was needed not only for School use, but it would also benefit a significant number of community members. They regret it may be a negative on the part of some of the immediate neighbors, they will try their best. The Dad's Club has demonstrated that they are sensitive to the neighbors and tried to balance that with supervised recreational activity.

Mr. Brown stated that homes in Avian Glen that surround the State softball site behind Cherry Tree, move very rapidly in resale. There are precedents all over the City where these kinds of uses exist harmoniously with each other and it doesn't seem to have an impact in those neighborhoods on property values. Traffic is becoming an issue in all parts of Carmel. He thought River Road was slated

for widening with the potential of another school in the future. Not all neighbors are in agreement with their neighborhoods, but he felt they had worked with the surrounding neighbors. They are a non-profit group and if they invest the dollars they need to know they will be able to use the fields. They have substantially cut back the hours of usage and submitted a parking plan involving uniform traffic direction. If a school were there, there would be other uses at different times that would not be listed in commitments. They have done a lot to substantially restrict the use of the site.

Mrs. Conn gave the Department Report. The Report cited only the main concerns that were brought up at the last meeting. The Department has a concern about the Petitioner committing to a date to install the sidewalks and paths. The Department recommends positive consideration of the dockets after all concerns have been addressed.

Mr. Broach asked for details regarding the parking lot and comparison with the number of fields at Badger and Shelborne and the number of corresponding parking spaces.

Mr. Zboyovsky stated the 92-space parking lot at the northern field had been eliminated.

Mr. Little stated that Badger field has 10 soccer fields, 2 lacrosse fields and 2 baseball fields, but he was not sure of the number of parking spaces. At Shelborne there are 13 soccer fields and a gravel lot is used.

Mr. Dierckman asked about Carmel United Soccer and the agreement.

Mr. Little stated that it is the premier travel soccer program in Carmel. The Dad's Club offers recreational soccer. They partner for use of the facilities on the west side. There is an opportunity that they may use these fields. They are not a party in the commitment, but the hours of use were listed so that no matter who was using the fields, the hours of availability are set. Therefore there will be no stacking of fields.

Mr. Dierckman felt they should be a part of the agreement if they are using the fields. He was under the impression it was the Carmel Dad's Club and the School using the fields.

Mr. Little reported that they were not introducing another party, but showing that the Dad's Club supports a lot of organizations. They were showing how the kids were cross-tied to other organizations in the community; Dad's Club, Carmel United and the High School teams. If there a need for the Carmel United Soccer to utilize those fields, it would be within the parameters of the commitments.

Mr. McMichael wanted to make it clear that the relationship was between the Carmel Dad's Club and the Schools and part of that agreement was that the Dad's Club was recognized as the party to manage the field. A part of that management requires that the School Corporation has first rights to the use of the property and then the Dad's Club. Any other use of the property requires use approval by the Dad's Club. Carmel United Soccer's relationship is with the Dad's Club.

Mr. Dierckman was not comfortable with that relationship. He also had concerns about the number of other soccer fields and the parking related to that. He wanted to see Mr. Gjerde's graph with the number of cars using the area and hear Mr. Little's rebuttal.

Mr. Little stated that they do not do statistics on the number of cars coming in and out of the facility. Their estimation on each of the fields is 15 cars per team, so 30 cars per field. On a three-field rotation at thirty minute increments 90 to 180 cars rotating in, the parking on the southern end should more than accommodate the traffic. The north end is small-sided fields for younger age groups, so they are not teams of 10-15, but 4-6 kids usually primarily for practice, so possibly 80 cars in and out at that location.

Mr. Gjerde showed his graph again. He showed 180 cars on the south field and 80 on the north field which had been reported earlier at 100. So that's 280 cars per hour, divided in half is 140 at start time of the day, then 140 at the next start time. At the first three game times (8:00, 8:30 and 9:00) with overlapping there would be 420 cars each hour. Each half hour there would be 140 leaving and another 140 arriving. Using Mr. Little's numbers it would be 260 each half hour for a total of 520 each hour.

Mr. Zboyovsky stated there were 300 parking spaces in the south area with an overflow on the grass for approximately 100. They are also looking at possibly adding overflow in the northern area as well. The traffic officers will be off-duty professional officers.

Mr. Hawkins asked the Department if they had an opportunity to look at the agreement and was it generally acceptable or did it come in too late to be reviewed.

Mrs. Conn stated that personally she had not had time to fully review it. She received it a couple of hours before the meeting. It seems like the unorganized neighbors and the Carmel Dad's Club have come to some sort of an agreement. It is up to the Board if they want to accept it or have some changes made.

Mr. Hawkins asked about any improvement to River Road.

Mrs. Conn thought there was something slated either this year or next year.

Mr. Hawkins asked about the sidewalks and paths and crossing a creek that can not have a bridge. He was concerned about the kids' safety. He wanted to know the timeframe and the delineation on the site.

Mr. Zboyovsky stated the asphalt sidewalks will run around all the borders of the property and they were asking for a delay to when the northern fields are constructed.

Mr. Hawkins pointed out that one of the remonstrators stated that there is always a need for something down the road. There seems to be a need already for overflow parking. Maybe this is too intensive of a use for what is currently planned.

Mr. Zboyovsky stated the overflow parking was a recommendation from the Planning Department.

Mr. Broach wanted to review the site again. In the southern portion there were six fields with a parking lot. He wanted to know if there were any structures south of the parking lot. He also wanted to know about the buffer area between the fields and the adjoining neighborhood and the hammerhead.

Mr. Zboyovsky stated there were no structures south of the parking area. The approximate 20-foot buffer would be landscaped. At the present time, one of the roads dead ends he thought to provide

access to a future housing area. At the request of the City, they were providing the hammerhead turn around.

Mr. Broach asked if there was fence or anything to prevent people from parking in the neighborhood and walking over.

Mr. Zboyovsky stated the subject had been brought up but there was nothing at this time.

Mr. Dierckman asked about the north section and its parking.

Mr. Zboyovsky stated that at this time the plan was to eliminate the northern 92 parking spaces and leave the remaining 108 spaces for a total of 300 parking spaces. It is a single soccer field that can be broken into eight.

Mr. Hollibaugh discussed the River Road improvements. The City has applied for Federal funds as part of a larger proposal, included in the bill that is being discussed between the House and the Senate. They do not have a highway bill yet, so they do not have the money yet. It is a priority for the Mayor for the segment of road just south of the roundabout at 131<sup>st</sup> Street to 116<sup>th</sup> Street would be widened similar to River Road north of the roundabout. The sharp angle would be smoothed out. The City already has right-of-way that was obtained when the golf course was installed. There will be a roundabout where Medalist and River Road would intersect and then the boulevard cross section would be built between the roundabout at Medalist and where it intersects with 116<sup>th</sup> Street. He felt if the City did not receive Federal Funds, it was still a high priority. The Mayor has a number of roadway improvement projects that will be funded through future bond issues for the annexation areas in the west. This project could get wrapped into one of those. Worst timing would be 3 years from now, but it would likely be sooner.

Mr. Zboyovsky stated the sidewalks were planned when the north field was built. The southern portion will be constructed immediately up to the driveway entrance. The remaining will be constructed when Phase 2 begins. The plans for the restrooms have been submitted. They will be brick.

Mr. Dierckman felt this was one-third too intense of a use given the number of parking spaces and other uses in the area. His vision would be 4 fields to the south and 4 on the northern part. He felt they did not give sufficient rebuttal for the parking analysis. The remonstrators had presented a good case for the intensity of the use and impact on the area. He reminded them it would take 3 votes for approval. He thought they might want to table to work out the intensity. It was obvious there would be a parking problem and a lot of traffic. It is also obvious these fields are needed.

Mr. Hawkins agreed with Mr. Dierckman. He appreciated they had a commitment and had worked on the process, but he felt there were a lot of unanswered questions and some other plans they had not seen. He would like the Department to have an opportunity to review the agreement. Soccer fields seem to be a good use for this piece of land, but he was not certain this plan was harmonious to the community around it.

Mr. Broach agreed.

Discussion followed regarding the parking spaces and the number of fields at the site.



Mr. McMichael stated they would ask for it to be tabled. The reason for the six fields was to replace the ones the schools were losing.

Mr. Dierckman stated that was not the issue. But the agreement needed to be worked out with the Dad's Club and other clubs.

Mr. Hawkins' issue was the sidewalks and paths and people walking from the northern portion to the south.

Mr. McMichael stated there was no intention for the program on the north side of the creek to have anything to do with the program on the south. The south parking lot should support the six fields. There is an assumption that each of the six fields will bring 30 cars to the site for a total of 180 cars. The games will be staggered so that initially the first three games would bring 90 cars to the site. At the end of that game the next 90 cars will begin to come in, so there will be some overlap in the cars coming and going. If all six were used at the same time, there would be 180 cars. At the City's request, they are showing provisions for off-pavement parking. If it would be of interest to the Board, they would be willing to pave more parking, but they would really not want to pave more parking than needed. The Schools would not be satisfied with having consistent parking in the grass and would be happy to pave it as part of the commitment. They would not want the project to be voted down, because the Schools have a significant interest in the timing. The High School program this fall will not have practice fields.

Mr. Brown stated that Carmel Dad's Club gets to use the field through a written agreement with the Schools for use and management rights. With the agreement with the homeowners, they have worked out for hypothetically 50 hours of use per week. If they let Carmel United use some of those 50 hours, then that is that many fewer hours of use for the Dad's Club. It would not be Dad's Club use and additional use by Carmel United.

Mr. McMichael asked if approval could be given for development of the six fields for the School's use and not approval at this point for the Dad's Club usage. Then the Dad's Club could come back for approval.

Mr. Molitor stated that the petitioner could amend their petition to lessen the usage for the School system. It needs to be initiated by the Petitioner.

Mr. McMichael stated they would amend their petition to provide for the school's use of the property and come back for the usage by the Dad's Club.

Mr. Dierckman moved to approve as amended by the Petitioner **Docket Nos. 05010046 SU and 05020006 V, Carmel/Clay Schools, Soccer Fields at River Rd**, for utilization by the Carmel School System. The motion was seconded by Mr. Broach and **APPROVED 3-0.**

Mr. Molitor stated that the commitments should be revised to indicate use only by the Carmel/Clay School System and the provisions referring to the Carmel Dad's Club would be stricken. (This was noted on the ballots.) Also, he assumed the vote carried instructions to him and the Staff to revise the commitments submitted by the Petitioner in line with the discussion. He will pursue that and have it executed by the Petitioner and have it recorded.

A five minutes recess was taken.

The Petitioner for Items 3-7h requested to be last because he was still at the Plan Commission Committee meeting in the Caucus Room.

**1h. Mohawk Crossing, Sec 4, Lot 94: Suder pool**

The applicant seeks the following development standards variance approval:

**Docket No. 05030008 V** Chapter 25.01.01.C.8.a pool's side yard setback

The site is located at 4925 Jennings Dr. and is zoned S-1/Residence. Filed by Ms. Kim Suder.

Present for the Petitioner: Rick Suder, 4925 Jennings Drive, Carmel. They are looking for a relief from the side yard setback for the installation of a pool. They are restricted by the 65-foot storm water retention easement. Trying to keep away from Gray Road, the only place left for the pool is where their patio and deck are currently located. Pictures of the site were shown.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

Mrs. Conn gave the Department Report. Considering that most of the rear yard is taken up by the 65-foot drainage and utility easement, it makes sense to place the pool where they have proposed. The Department recommends positive consideration.

Mr. Hawkins asked if the neighbor next to the pool had any objections.

Mr. Suder stated they did not and they could even build on their property.

Mr. Dierckman moved to approve **Docket No. 05030008 V, Mohawk Crossing, Sec 4, Lot 94: Suder pool**. The motion was seconded by Mr. Broach and **APPROVED 3-0** by a verbal vote. (Paperwork was signed later.)

**11-13h. 1301 S. Range Line Road - Commercial Building**

The applicant seeks the following development standards variance approvals:

**Docket No. 05020040 V** Chapter 19.04.02 building setback

**Docket No. 05020041 V** Chapter 27.07.02-09.b number/type signs

**Docket No. 05020042 V** Chapter 27.05 number parking spaces

The site is located at 1301 S. Range Line Rd. and is zoned B-8/Business, now within the Carmel Dr/Range Line Rd Overlay.

Filed by E. Davis Coots of Coots Henke & Wheeler for the Fineberg Group, LLC.

Present for the Petitioner: Dave Coots, 255 Carmel Drive, Carmel. Two of the variances are made necessary by the adoption of the Carmel Drive/Range Line Road Overlay Zone. This project commenced six months prior to the initial passage of that Ordinance. The setback variance is moot by the adopted Overlay Zone. However, since they have the application pending and to clarify the record, they would like it to be considered at this meeting. He was asked to provide a site plan showing the 25-foot setback per the old Ordinance and the present proposal for the new building. In keeping with the pedestrian-friendly urban design for this site, they have been asked to move the building to Carmel Drive and Range Line Road elevations and insert the parking and courtyard behind the building to the south and east of the building to give it more of an urban appeal from Carmel Drive and Range Line

Road. The building is proposed 15 feet off the Carmel Drive right-of-way and 15 feet off the Range Line Road right-of-way. The second variance is for parking. The site provides 76 parking spaces. Because they are doing a building that is partially two-story, it necessitates 106 parking spaces. The applicant owns Carmel Walk, the development immediately to the south and by a cross parking agreement, they believe they will have more than adequate parking to the south and the unused parking area behind the First Merchants Bank, also a tenant of the applicant. The parking easement runs with the land and will be made part of the record. The third variance pertains to the signage on the second story. The Sign Ordinance permits one sign per tenant per elevation. They seek to be permitted to install a second story tenant sign per the sign restrictions of the Ordinance. The other signs are signs that will face the rear of the building facing the parking area. They are asking that each tenant be permitted an eighteen square foot sign at their rear entrance toward the parking area to help customers locate the tenant within the development. They will not be visible from Range Line Road or Carmel Drive.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

Mrs. Conn gave the Department Report. She asked Mr. Coots to elaborate on the blade sign. The Department recommended positive consideration of all dockets.

Mr. Coots stated that the facility had received Plan Commission ADLS approval. As a part of that process, they were requested to install a blade sign on the very corner of Range Line Road and Carmel Drive. The vertical two-sided sign will be used to identify the tenant on the first floor of the lower corner. In addition, that tenant will have a wall sign on the Carmel Drive and the Range Line Road elevations. He felt they were asked to put it there to give the building an urban design.

Mr. Broach stated that it was a very well done project. He had a question regarding the parking. He wanted to know if the parking lot was connected to Carmel Walk and customers could walk over if the parking lot was full directly behind the building.

Mr. Coots stated there is a pedestrian walkway connecting them along the west side of the development, and then the customer could use either the rear entrance or walk around to the Range Line Road or Carmel Drive entrance.

Mr. Dierckman agreed that it was a great project and a big improvement.

Mr. Hawkins asked if the blade sign would replace the second story sign or just to affirm that there would be a blade sign.

Mrs. Conn stated that it was to make the Board aware of the sign.

Mr. Broach moved to approve **Docket No. 05020040 V, 05020041 V and 05020042 V, 1301 S. Range Line Road – Commercial Building**. The motion was seconded by Mr. Dierckman and all dockets were **APPROVED 3-0**.

**2h. Fidelity Plaza, Tower 3**

The applicant seeks the following development standards variance approval:

**Docket No. 05030015 V**

Chapter 26.04.05

bufferyard requirements

The site is located at 11590 N Meridian and is zoned B-6/Business and S-2/Residence.  
Filed jointly by Carmel DOCS and REI Investments.

Present for the Petitioner: Mike Hollibaugh, Director, Department of Community Services (DOCS). For the past several months the City has been designing roadway improvements for 116<sup>th</sup> Street, including design and construction for Illinois Street as part of the Clarian Hospital project. As a part of the City's design for 116<sup>th</sup> Street and Illinois, they purchased right-of-way from REI Investments. The City is encroaching on the land and parking owned by REI. As a part of the right-of-way sale, REI's lender was concerned about non-conforming issues created by the project. Therefore, the City was working with REI for a variance for the bufferyard. A map was shown of the area with the property lines. The bufferyard requirement along 116<sup>th</sup> Street is fifteen feet, but the City is encroaching onto three feet plus or minus. Along with the engineering components of these improvements, the City is creating a landscape plan for the streetscape of the median and roundabouts.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

Mrs. Conn gave the Department Report. The Department recommends positive consideration.

Mr. Broach moved to approve Docket No. 05030015, Fidelity Plaza, Tower 3. The motion was seconded by Mr. Dierckman and **APPROVED 3-0.**

A five-minute recess was taken while Mr. Shinaver was at the Plan Commission committee meeting in the Caucus Room.

### **3-7h. Companion Animal Hospital**

Applicant seeks use variance & development standards variance approvals for veterinary hospital.

<b>Docket No. 04090009 UV</b>	Chapter 19.01	permitted uses
<b>Docket No. 04090010 V</b>	Chapter 27.05	number of parking spaces
<b>Docket No. 04090023 V</b>	Chapter 26.04.05	buffer yard requirements
<del><b>Docket No. 04090024 V</b></del>	<del>Chapter 19.04.03</del>	<del>side yard setbacks</del> WITHDRAWN
<b>Docket No. 04090025 V</b>	Chapter 19.04.02	front yard setback

The site is located at 1425 S Range Line Rd and is zoned B-8/Business.

Filed by Jim Shinaver of Nelson & Frankenberger for Dr. Buzzetti.

Present for the Petitioner: Jim Shinaver, attorney, Shawn Curran, architect with Curran Architecture and Matt Maple, engineer with Roger Ward Engineering. The hospital is currently located at 180 E. Carmel Drive. The site location maps were shown of the existing vacant building. The project has received Plan Commission and ADLS approval. These applications were filed before the Range Line Road Overlay was enacted. They have worked closely with the Staff to design a site that works with the intent of the new Overlay. B-8 Zoning does not permit a veterinarian hospital. The surrounding parcels that are zoned B-1, B-2 and B-3 all permit a veterinarian hospital. This use is supported by the Comprehensive Plan because this area is low intensity regional community employment. This use would be consistent with the surrounding businesses. Elevations of the building were shown. They were unanimously approved by the Plan Commission and the building was designed to comply with the spirit and intent of the new Range Line Road Overlay. The Overlay requires the building to have second floor with occupant space. A portion of the second floor will have residential quarters for a staff member to stay on site to care for any pets boarded in the facility. The remainder of the second

floor will be designed for storage and offices. The approved site plan calls for phase 1 and phase 2 developments for this site. A majority of the existing structure will be utilized in phase 1 and would occur immediately. Since the building needs to be pulled closer to the front property, the Staff suggested phase 2. The phase 2 expansion takes up the western portion adjacent to Range Line Road. It was noted that although a phase 2 expansion was shown, it is unlikely that Mr. Buzzetti would expand the building any further in the future. Since they have outlined the phase 2 development for the future, it prevents parking on the western portion of the site. The one-acre site presents limitations and constraints. He noted a couple of typographical errors on the Department Report. The first one relates to the required number of parking spaces and the second to the bufferyard plant requirements. Due to the square footage of the proposed building, they are required to have 62 parking spaces. The site plan that was approved by the Plan Commission shows 29 parking spaces. They designed the site with the Overlay in mind, which prohibits parking in front of the building on the western portion of the site. If they could use that area, they would have an additional 15 to 17 parking spaces in that area. He believed the parking requirements in the Code did not necessarily translate to the use and intent of the Overlay. The second story of occupant space combined with the phase 2 expansion would be 9500 square feet and require additional parking. If they were not attempting to comply with the Overlay by adding the second story as well as the phase 2, they would not need the additional parking spaces. They would like to keep the eastern portion of the site open for a fenced grass area so that the pets could be taken outside periodically. However, Dr. Buzzetti has agreed to land bank some of the eastern portion of the site for future parking which could result in 10 additional parking spaces. If clients or residents complain about parking availability, then the Staff has the ability to send notice to the landowner that they un-bank the parking. This is not a high-volume veterinarian hospital. At the busiest time, he may have 5-10 employees on a shift. That would still leave 19 of the 29 spaces available parking spaces for clients. They should treat 4 to 5 customers in a one-hour time period. Currently the bufferyard planting requirements would require approximately 26 shade trees, 17 ornamental trees and 77 shrubs for the site. Because of the site constraints, the approved landscape plan from the Plan Commission includes 15 shade trees, 15 ornamental trees with 63 deciduous shrubs and 56 evergreen shrubs. Too many plantings in a small area will not survive. The front yard setback in this zoning classification is 25 feet. The phase 1 expansion will be 45 feet from the property line. However, if phase 2 is constructed in the future, they are requesting a setback of zero feet to comply with the spirit and intent of the new Overlay. The Staff requested that they respond to any negative impact associated with the outdoor area for the pets. This area is fenced for the protection of the animals. They are not adjacent to any residential area, so occasional barking should not be an issue. Any fecal matter or waste will be immediately removed by the Staff, so there should not be any odors. It is important in an operation like this to have a sanitary site and the staff be trained in how to take care of such samples.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

Mrs. Conn gave the Department Report. She confirmed that there were the two errors in the Department Report regarding the number of parking spaces and the bufferyard requirements. Mr. Shinaver stated the correct numbers. The landscape plan was approved by the Urban Forester. The Department recommends positive consideration of the 4 dockets.

Mr. Broach asked for details for the commercial kennel for boarding.

Mr. Shinaver stated that they may board 10 to 15 animals. He thought the boarding was designed primarily for the animals that needed to stay over for treatment. There would be occasional boarding

for clients' pets for vacations. He did not know exact numbers. If there was a concern, they could try to reach Dr. Buzzetti by cell phone.

Mr. Broach was concerned about the noise element.

Shawn Curran, Curran Architecture, 853 Connor Street, Noblesville, IN. The back portion of the kennel is designed for kennel space for overnight and occasional boarding. They are still evaluating the area for size of runs. At the maximum, it would accommodate 20 to 25 animals. They are all indoor runs. There is no outdoor access unless a pet is taken outside on a leash. The walls are made of load-bearing concrete block to help mitigate the sound.

Mr. Shinaver noted that the site is surrounded by commercial activity. The closest residential area is an apartment complex.

Mr. Dierckman asked if they would be doing any procedures outside or what kind of samples would be collected.

Mr. Shinaver stated there would be no procedures done outside and they would only be collecting fecal and other waste.

Mr. Hawkins asked if the building could be moved further west so that the parking wouldn't be so constrained for any future use.

Mr. Shinaver stated they were trying to maintain some of the existing structure for cost reasons and they had worked with Staff and Plan Commission. He stated the Petitioner would agree to land bank for future parking.

Mr. Boach moved to approve **Docket Nos. 04090009 UV, 04090010 V, 04090023 V and 04090025 V, Companion Animal Hospital.** The motion was seconded by Mr. Dierckman.

Mrs. Conn reminded the Board members to be specific with the location of the land bank on the ballot sheets.

Mr. Hawkins read the statement for the record. The Petitioner will land bank at least 10 additional parking spaces of typical size on the northeastern portion of the site.

All dockets were **APPROVED 3-0.**

Mr. Molitor stated that with the Board's approval, he could draft a change for the Rules of Procedure that would make the handling of the signing of the Findings of Fact an easier procedure.

#### **8-10h. Office - Hahn Surveying**

The applicant seeks the following use variance and development standards variance approvals:

<b>Docket No. 05020030 UV</b>	Chapter 6.01.01	permitted uses
<b>Docket No. 05020031 V</b>	Chapter 27.03.03	parking lot curbing
<b>Docket No. 05020032 V</b>	Chapter 26.04.05	buffer yard requirements

The site is located at 9639 Haverstick Rd. and is zoned S-2/Residence.

Filed by Mark Monroe of Wooden & McLaughlin for W&D Land Co, LLC.

This item was TABLED to the next meeting due to lack of a quorum. Mr. Broach recused himself for this item, leaving two Board members.

**14-16h. TABLED O'Malia Fireplace Shop Expansion**

~~The applicant seeks the following development standards variances:~~

~~Docket No. 04100017 V Chapter 12.04.02 front yard setback~~

~~Docket No. 04100018 V Chapter 27.03.02 no curbed parking~~

~~Docket No. 04110009 V Chapter 26.04.05 buffer yard requirements~~

~~The site is located at 220 S Range Line Rd. The site is zoned B-1/Business.~~

~~Filed by Paul Reis of Drewry Simmons Pitts & Vornehm for the Helen J. O'Malia Trust.~~

**17h. TABLED Martin Marietta Materials - Mueller Property North**

~~Petitioner seeks special use approval to establish a sand/gravel extraction operation on 104± acres, with artificial lake reclamation.~~

~~Docket No. 05010021 SU Chapter 5.02 special use in the S-1 zone~~

~~The site is located at the northwest corner of East 106<sup>th</sup> Street and Hazel Dell Parkway.~~

~~The site is zoned S-1/Residence Low Density.~~

~~Filed by Zeff Weiss of Ice Miller for Martin Marietta Materials, Inc.~~

**H. Old Business.**

**1i. TABLED TO HEARING OFFICER**

**CMC Properties, Sec 2, lot 3**

~~Petitioner seeks the following development standards variance approval:~~

~~Docket No. 04120010 V Chapter 25.07.03.03(d)(2) real estate sign height~~

~~The site is located at the northwest corner of 131st St. and US 31. The site is zoned B-5/Business within the US 31 Overlay.~~

~~Filed by Sherry Marchbanks of Mazda Sign, Inc. for CMC.~~

**J. New Business.**

There was no New Business.

**K. Adjourn.**

Mr. Broach moved to adjourn. The motion was seconded by Mr. Dierckman and **APPROVED 3-0**. The meeting was adjourned at 9:00 PM.

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James R. Hawkins, President

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Connie Tingley, Secretary

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